

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

No. 13-53846

Chapter 9

HON. STEVEN W. RHODES

**SECOND STIPULATION AND AGREEMENT REGARDING THE  
SUBPOENAS FROM FINANCIAL GUARANTY INSURANCE  
COMPANY (DKT. #5477)**

THE PARTIES STIPULATE AND AGREE, through their attorneys, to the following with respect to the Financial Guaranty Insurance Company's ("FGIC") subpoenas to Governor Rick Snyder, Dennis Muchmore, and witness(es) pursuant to Federal Rules of Civil Procedure 30(b)(6) on behalf of the Executive Office of the Governor of the State of Michigan (collectively, the "State Parties") (Dkt. #5477):

1. The State and FGIC entered into a Stipulation and Agreement Regarding the Subpoenas from Financial Guaranty Insurance Company (Dkt. #5477) (the "First Stipulation") which was filed on July 2, 2014 [Dkt. #5749]. Except to the extent set forth in

paragraphs 2 and 3 below, this Second Stipulation does not modify the First Stipulation which remains in full force and effect.

2. The State and FGIC sought the Court's assistance in resolving certain remaining disputes between the parties relating to the subpoenas. During a telephone conference with the Court on July 7, 2014, the State and FGIC agreed that:

a. The State shall review the May, 2014 Privilege Log that it produced in response to subpoenas issued by Syncora and the Retiree Committee, a copy of which the State also produced to FGIC, to determine whether any documents were created prior to August 13, 2013 (the date of the Court's original Mediation Order [Docket No. 322]) and such documents relate to the treatment of (i) pensioners or pension-related claims or (ii) the art collection housed at the Detroit Institute of Arts (collectively, the "Requested Documents"). To the extent that the State determines that no Requested Documents exist on the Privilege Log, the State shall inform FGIC of this determination in writing. To the extent the State determines any Requested Documents

exist and such document(s) are no longer subject to privilege or confidentiality the State shall produce such document(s) to FGIC, along with an amended Privilege Log. To the extent the State determines any Requested Documents exist and such document(s) remain subject to privilege or confidentiality, the State shall identify such document(s) to FGIC by the document identifier listed on the Privilege Log so that FGIC may determine whether and to what extent it will further assess the privilege or confidentiality asserted with respect to any such document(s).

b. The State shall conduct a supplemental search of documents responsive to FGIC's document requests 1, 5, 7, 8, 9, 10, 11, and 12. This supplemental search shall encompass only documents created between April 21, 2014 and present, and shall be limited to the following custodians: Rick Snyder; Dennis Muchmore; Greg Tedder; Michael Gadola; Valerie Brader; Richard Posthumus; Kevin Clinton; and Thomas Saxton. At the conclusion of this supplemental search, the State shall produce to FGIC documents

responsive to document requests 1, 5, 7, 8, 9, 10, 11, and 12 that are not withheld on the basis of privilege or confidentiality, and related Privilege Log.

3. With the exception of the matters contained in this stipulation: (i) each of the parties reserves their respective rights and remedies; and (ii) nothing in this stipulation shall prejudice the parties or constitute a waiver of such rights and remedies.

Respectfully submitted:

/s/ Steven G. Howell

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Dated: July 9, 2014

/s/ Edward Soto

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